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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 10-00769 JF
)	
Plaintiff,)	[PROPOSED] ORDER CONTINUING
)	HEARING TO March 24, 2011 AND
v.)	EXCLUDING TIME FROM February 3,
)	2011 THROUGH March 24, 2011 UNDER
JAVIER SOTO-GONZALEZ,)	THE SPEEDY TRIAL ACT
)	
Defendant.)	
)	
)	

The Parties, Javier Soto-Gonzalez and the United States, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for February 3, 2011 be vacated, and that the hearing be continued to March 24, 2011. The reasons for the continuance are that (1) the government is still producing discovery materials to defense counsel that must be reviewed in preparation for defense of this case; (2) defense counsel's trial schedule prevents his appearance at certain earlier dates in March; and (3) the parties require additional time for effective preparation and are engaged in ongoing settlement discussions.

The parties stipulate that the time between February 3, 2011 and March 24, 2011 is

1 excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the
2 requested continuance would unreasonably deny the defendant continuity of counsel, and would
3 unreasonably deny defense counsel reasonable time necessary for effective preparation, taking
4 into account the exercise of due diligence. Finally, the parties agree that the ends of justice
5 served by granting the requested continuance outweigh the best interest of the public, and the
6 defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §§
7 3161(h)(7)(A) and (B)(iv).

~~PROPOSED~~ ORDER

Pursuant to agreement and stipulation of the parties and for good cause shown, the Court HEREBY ORDERS that the hearing currently set for February 3, 2011 is vacated, and the hearing is continued to March 24, 2011 at 9:00am. The Court further ORDERS that the time between February 3, 2011 and March 24, 2011 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), that the failure to grant the requested continuance would unreasonably deny the defendant continuity of counsel, and would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: 2/3/11


JEREMY FOGEL
United States District Judge